

103(a) Rejection

The Examiner rejected Claims 1-3 and 6-15 under 35 USC 103(a) as being unpatentable over Wartski et al. (5,375,118) in view of Backes et al. (5,818,838). Applicant has therefore reviewed the Wartski et al. and Backes et al. references and respectfully assert that the claimed embodiments of the present invention are not rendered obvious in view of Wartski et al. in combination with Backes et al. for the following rationale.

Claim 1 states "a mechanism for handling units of data received based on a destination address of said packets before transmitting on said network in order to improve overall network operation." As the Examiner stated, "Wartski et al. do not explicitly disclose data received based on a destination address of said packets." However, applicant respectfully disagrees with the Examiner's assertions that the teachings of Wartski et al. can be combined with Backes et al. to teach the present invention as illustrated in Claim 1.

Applicant respectfully states that the analogous art cited by the examiner, (e.g., Backes et al. "to only fully receive a data packet based on a destination address") may also be found in the present application. Specifically, on page 4 of the background section lines 30 through 36 a restatement of the Backes et al. disclosure is made. Therefore, Applicant respectfully states that this statement of packet handling is not new to the art. However, "a mechanism for handling units of data received based on a

destination address of said packets before transmitting on said network in order to improve overall network operation" is Claimed by the applicant as new to the art. Therefore, applicant respectfully submits the teachings of Wartski et al. in combination with Backes et al. fail to teach or suggest the desirability of the claimed limitation.

Claim 6 states "prior to transmitting said data packets, reordering of packets of data based on a destination address of said packets, so that said packets are spread over a number of different network destination paths." As the Examiner stated, "Wartski et al. do not explicitly disclose data received based on a destination address of said packets." However, applicant respectfully disagrees with the Examiner's assertions that the teachings of Wartski et al. can be combined with Backes et al. to teach the present invention as illustrated in Claim 6.

Applicant respectfully states that the analogous art cited by the examiner, (e.g., Backes et al. "to only fully receive a data packet based on a destination address") may also be found in the present application. Specifically, on page 4 of the background section lines 30 through 36 a restatement of the Backes et al. disclosure is made. Therefore, Applicant respectfully states that this statement of packet handling is not new to the art. However, "prior to transmitting said data packets, reordering of packets of data based on a destination address of said packets, so that said packets are

spread over a number of different network destination paths" is Claimed by the applicant as new to the art. Therefore, applicant respectfully submits the teachings of Wartski et al. in combination with Backes et al. fail to teach or suggest the desirability of the claimed limitation.

Claim 11 states "a mechanism for scheduling units of data received based on a destination address of said units before transmitting on said network in order to improve overall network operation." As the Examiner stated, "Wartski et al. do not explicitly disclose data received based on a destination address of said packets." However, applicant respectfully disagrees with the Examiner's assertions that the teachings of Wartski et al. can be combined with Backes et al. to teach the present invention as illustrated in Claim 11.

Applicant respectfully states that the analogous art cited by the examiner, (e.g., Backes et al. "to only fully receive a data packet based on a destination address") may also be found in the present application. Specifically, on page 4 of the background section lines 30 through 36 a restatement of the Backes et al. disclosure is made. Therefore, Applicant respectfully states that this statement of packet handling is not new to the art. However, "a mechanism for scheduling units of data received based on a destination address of said units before transmitting on said network in order to improve overall network operation" is Claimed by the applicant as new to

the art. Therefore, applicant respectfully submits the teachings of Wartski et al. in combination with Backes et al. fail to teach or suggest the desirability of the claimed limitation.

Applicant respectfully submits that Claim 13 states "a transmitting node network interface schedules and transmits data units on said transmission media in a destination-based order to improve network throughput." Applicant respectfully submits that this limitation is not taught or suggested by the cited references. As the Examiner stated, "Wartski et al. do not explicitly disclose data received based on a destination address of said packets." However, applicant respectfully disagrees with the Examiner's assertions that the teachings of Wartski et al. can be combined with Backes et al. to teach the present invention as illustrated in Claim 13.

Applicant respectfully states that the analogous art cited by the examiner, (e.g., Backes et al. "to only fully receive a data packet based on a destination address") may also be found in the present application. Specifically, on page 4 of the background section lines 30 through 36 a restatement of the Backes et al. disclosure is made. Therefore, Applicant respectfully states that this statement of packet handling is not new to the art. However, "a transmitting node network interface schedules and transmits data units on said transmission media in a destination-based order to improve network throughput" is Claimed as new to the art. Therefore,

applicant respectfully submits the teachings of Wartski et al. in combination with Backes et al. fail to teach or suggest the desirability of the claimed limitation.

Additionally, Claims 2, 3, 9, and 10 are dependent from Independent Claim 1 which include the limitation of a mechanism for handling units of data received based on a destination address of said packets before transmitting on said network in order to improve overall network operation. Applicant respectfully submits that this limitation is not taught or suggested by the cited references.

Claims 7 and 8 are also dependent from Claim 6 which include the limitation of prior to transmitting said data packets, reordering of packets of data based on a destination address of said packets, so that said packets are spread over a number of different network destination paths. Applicant respectfully submits that this limitation is not taught or suggested by the cited references.

Claim 12 states "while minimizing the time to transmission from when a packet is received by said interface for receiving said data." Applicant further understands Backes et al. to teach the reduction of unnecessary data flow, not a minimization of the time to transmission from when a packet is received. Therefore, Applicant respectfully submits the teachings of Wartski

et al. in combination with Backes et al. fail to teach or suggest the desirability of the claimed limitation. Furthermore, Claim 12 is dependent on Independent Claim 11.

Claims 14 and 15 are also dependent from Claim 13 which include the limitation of a transmitting node network interface schedules and transmits data units on said transmission media in a destination-based order to improve network throughput. Applicant respectfully submits that this limitation is not taught or suggested by the cited references.

For the above reasons, Applicant respectfully submits that Claims 1-3 and 6-15 are allowable.

CONCLUSION

In light of the above remarks, Applicant respectfully requests reconsideration of the rejected Claims.

Based on the argument presented above, Applicant respectfully asserts that Claims 1-3 and 6-15 overcome the rejections of record and, therefore, Applicant respectfully solicits allowance of these Claims.


The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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Date: _____

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